



State of Idaho  
DEPARTMENT OF WATER RESOURCES  
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MEMORANDUM

TO: Operations Bureau and Regional Office Bureau

FROM: Norm Young, Administrator *NY*

DATE: August 15, 1985

RE: Procedure for Application and Permit Processing  
Application Processing No. 34 / Permit Processing No. 7

RECEIVED

AUG 15 1985

Department of Water Resources  
Western Regional Office

The amendment to Section 42-203, Idaho Code, became effective July 1, 1985 which requires changes to our processing of Applications and Permits. This memo describes some procedures to be used by the department until Rules and Regulations are adopted for Section 42-203, Idaho Code. The applications and permits for projects within the Swan Falls impact area will be treated differently than those located throughout the remainder of the state.

I. Swan Falls Area (Swan Falls dam upstream)

A. Application

- 1) Applications for DCMI (Domestic, Commercial, Municipal and Industrial) uses as defined in the S1180 contract and other essentially non-consumptive uses of water such as fire protection, fish propagation, hydropower, etc., which were advertised prior to July 1, 1985, must be re-advertised notifying the public that they may be protested with respect to the new public interest criteria of Section 42-203, Idaho Code. If no protests are received and the applications are otherwise approvable, they may be approved.
- 2) Applications for DCMI uses within the context of the S1180 contract and other essentially non-consumptive uses of water which are advertised after July 1, 1985 should be advertised in the usual manner with a notation in the advertisement that they can be protested with respect to the new public interest criteria. If protests are not received and the applications are otherwise approvable, they may be approved.
- 3) Applications for all other uses should not be advertised until the rules and regulations are adopted.

B. Permits

Existing permits in the Swan Falls area will have to be reviewed pursuant to requirements of Section 42-203D after rules and regulations have been promulgated. Permit holders will be advised by letter of the requirements of 42-203D.

II. Non-Swan Falls Area

A. Applications

- 1) Applications will be processed as in the past with the exception that the applications for a rate of diversion of 10 cfs or greater or 1000 acre feet or greater must be advertised statewide.

B. Permits

- 1) Permits will not be reviewed pursuant to Section 42-203D until after the department has had an opportunity to seek legislative clarification of Section 42-203D. Permit holders will be advised of the requirements of Section 42-203D by letter.

III. Statewide

- A. Transfers, Amendments and Extensions of Time will be processed and action will be taken as in the past.